

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**CORRECTED  
FISCAL NOTE**

**HB 1759 - SB 1962**

February 12, 2014

**SUMMARY OF BILL:** Authorizes a transdermal monitoring device to be ordered as a condition of pretrial diversion, parole, probation, judicial diversion or DUI probation, if it is the opinion of the District Attorney General that the defendant's use of alcohol or drugs was a contributing factor in the defendant's unlawful conduct.

**ESTIMATED FISCAL IMPACT:**

On February 9, 2014, a fiscal note was issued for this bill that inadvertently included a commerce impact statement. As a result, the fiscal note is being corrected to remove the commerce impact statement from the fiscal note. There is no change in the estimated fiscal impact for the bill.

**NOT SIGNIFICANT**

Assumptions:

- The term "transdermal monitoring device" means any device or instrument that is attached to the person, designed to automatically test the alcohol or drug content in a person by contact with the person's skin at least once per one half (1/2) hour regardless of the person's location, and which detects the presence of alcohol or drugs and tampering, obstructing, or removing the device.
- The cost associated with any individual being required to wear a transdermal monitoring device will be borne by the individual ordered to wear the device.
- According to the Department of Safety and Homeland Security (DOS), this bill will have no impact upon the department.
- Based on the information provided by the Office of the Attorney General, this bill will have no fiscal impact upon the office.
- According to the Administration Office of the Courts, any fiscal impact will be not significant.
- There could be an increase in state and local sales tax collections as a result of new or increased usage of transdermal monitoring devices (TMDs). Any such impact is dependent upon several unknown factors such as the extent to which usage of TMDs are ordered, the cost of the TMDs, whether the TMDs are purchased or leased, the time period that any such persons will be required to wear TMDs, and the timing of any order for a person to wear a TMD.

**HB 1759 - SB 1962 (CORRECTED)**

- Any person ordered to wear a TMD is expected to reduce their disposable income expenditures on other sales-taxable goods and services as a result of being required to spend their disposable income on the sales-taxable purchase or lease of a TMD. As a result, any net change in disposable income expenditures, and thus any net change in state and local sales tax collections is estimated to be not significant.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, appearing to read "Lucian D. Geise". The signature is fluid and cursive, with the first name "Lucian" written in a larger, more prominent script than the last name "Geise".

Lucian D. Geise, Executive Director

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